

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 28, 2005

IN RE:

PETITION OF ITC^DELTACOM COMMUNICATIONS,
INC. FOR MEDIATION AND DISPUTE RESOLUTION

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DOCKET NO.
05-00174

ORDER ACCEPTING MEDIATION

This matter came before Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 22, 2005 for consideration of the *Petition of ITC^DeltaCom Communications, Inc for Mediation and Dispute Resolution* ("Petition") filed on July 1, 2005.

In its *Petition*, ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom") requests that the Authority appoint a mediator to facilitate settlement of certain issues for which ITC^DeltaCom and BellSouth Telecommunications, Inc. ("BellSouth") have been unable to reach a negotiated resolution. On July 27, 2005, BellSouth filed *BellSouth's Motion to Dismiss* ("Motion") in which it argued that ITC^DeltaCom's *Petition* should be dismissed because the appropriate place for ITC^DeltaCom to litigate change of law provisions is within the context of TRA Docket No. 04-00381¹, not in a two-party proceeding. ITC^DeltaCom filed a *Response of ITC^DeltaCom Communications, Inc. to BellSouth Telecommunications, Inc.'s Motion to Dismiss* on August 5,

¹ *In re BellSouth's Petition To Establish Generic Docket To Consider Amendments To Interconnection Agreements Resulting From Changes Of Law*, Docket No 04-00381(October 29, 2004) ("Generic Docket" or "Docket No 04-00381")


2005, arguing that there is no legal basis for BellSouth's *Motion* and that as a matter of law, ITC^DeltaCom has a right to have its issues resolved. ITC^DeltaCom requested that upon completion of the hearing in Docket No. 04-00381 scheduled for September, the Authority convene a pre-hearing conference to clarify the remaining issues in its *Petition* and to establish a schedule to resolve those issues.

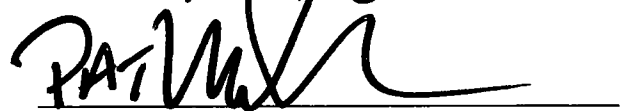
August 22, 2005 Authority Conference

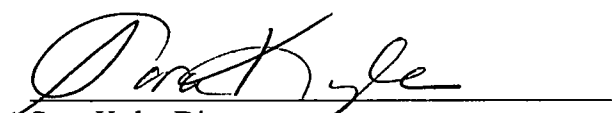
At a regularly scheduled Authority Conference held on August 22, 2005, the panel voted unanimously to accept the *Petition* for mediation, to appoint the Authority's General Counsel to serve as Mediator and to begin mediation following the completion of Docket No. 04-00381. A majority of the panel also voted to limit the scope of the mediation to only those issues in the *Petition* that do not overlap the issues being considered in Docket No. 04-00381.

IT IS THEREFORE ORDERED THAT:

1. The *Petition* is accepted for purposes of mediation.
2. The Authority's General Counsel is appointed to serve as Mediator in this matter.
3. Mediation shall commence following the completion of Docket No. 04-00381 and shall include only those issues that do not overlap the issues being considered in Docket No. 04-00381.


Deborah Taylor Tate, Director


Pat Miller, Director


Sara Kyle, Director